

House Bill 213

By: Representatives Davis of the 109<sup>th</sup>, Hatfield of the 177<sup>th</sup>, and Walker of the 107<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 16-15-4 of the Official Code of Georgia Annotated, relating to prohibiting criminal street gang activity, so as to increase penalties where a violation of the criminal street gang activity law occurs within a school safety zone; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 16-15-4 of the Official Code of Georgia Annotated, relating to prohibiting criminal street gang activity, is amended to read as follows:

"16-15-4.

(a) It shall be unlawful for any person employed by or associated with a criminal street gang to conduct or participate in criminal street gang activity through the commission of any offense enumerated in paragraph (1) of Code Section 16-15-3.

(b) It shall be unlawful for any person employed by or associated with a criminal street gang to commit any offense enumerated in paragraph (1) of Code Section 16-15-3 with knowledge that members of such criminal street gang have committed one or more of such offenses.

(c) It shall be unlawful for any person to commit any offense enumerated in paragraph (1) of Code Section 16-15-3 with the intent to maintain or increase his or her status or position in a criminal street gang.

(d) It shall be unlawful for any person to acquire or maintain, directly or indirectly, through criminal gang activity or proceeds derived therefrom any interest in or control of any real or personal property of any nature, including money.

(e) It shall be unlawful for any person who occupies a position of organizer, supervisory position, or any other position of management with regard to a criminal street gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.

(f) It shall be unlawful for any person to cause, encourage, solicit, or coerce another to participate in a criminal street gang.

(g) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter such person from assisting a member or associate of a criminal street gang to withdraw from such criminal street gang.

(h) It shall be unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against such person for having withdrawn from a criminal street gang.

(i)(1) Any person who violates subsection (a), (b), (c), or (d) of this Code section shall, in addition to any other penalty imposed by law, be punished by imprisonment for not less than five nor more than 15 years or by a fine of not less than \$10,000.00 nor more than \$15,000.00, or both.

(2) Any person who violates subsection (e) of this Code section may, in addition to any other penalty provided by law, be punished by imprisonment for an additional ten years which shall be served consecutively to any other sentence imposed on such person by law.

(3) Any person who violates subsection (f), (g), or (h) of this Code section shall, in addition to any other penalty provided by law, be punished by imprisonment for not less than three nor more than ten years.

(4) Where a person commits any violation of this Code section within a school safety zone, as defined by subsection (a) of Code Section 16-11-127.1, the required minimum mandatory sentence imposed shall be increased by an additional two years.

(j) Any crime committed in violation of this Code section shall be considered a separate offense."

## **SECTION 2.**

This Act shall become effective on July 1, 2009, and shall apply to all offenses committed on or after such date.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.